



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,264	08/20/2001	Mahshid Ellie Abdollahi	68775-044	5255

21890 7590 01/18/2006

PROSKAUER ROSE LLP
PATENT DEPARTMENT
1585 BROADWAY
NEW YORK, NY 10036-8299

EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/933,264	Applicant(s) ABDOLLAHI ET AL.	
	Examiner Joshua Joo	Art Unit 2154	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.


JOHN FOLLANSBEE
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments have been considered, but are not persuasive.

Applicants argued that (1) Signal is tangible, even if it cannot be held in human hands, thus Applicant requests the withdrawal of 101 rejection of claims 6-8; (2) As recited in the present claims, the source receives a specification to send a message to a group of nodes including a given node, where this specification designates the particular group and does not specify a particular node of the particular group. Then, the source transmits a packet with an address corresponding to the given node, but not the other nodes, of the particular group. The given node is addressed by the source using a unicast address, which are not taught nor suggested in Gosselin (3) Gosselin appears to be unaware that any problems would arise if its system were used in a star structure, and therefore it would not have been obvious that any modification in Gosselin should be made to overcome such problems; (4) Nothing in the disclosure of Gosselin that would teach or suggest to one of ordinary skill in the art why or in what way Gosselin's technique would be unworkable, how or why redesign's system without router nodes, or and how this problem could be resolved; and (5) Applicants have not found any teachings or suggestions therein of communicating with a group of nodes by a manager node receiving the specification of a group, yet transmitting one unique copy of the message in unicast format to each member of the group from the manager node

Examiner traverses the arguments:

As to point (1), the current guidelines state that signals are not statutory, therefore not patentable. See <http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html> "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility"

As to point (2), Examiner will address the limitations argued not to be found in Gosselin. Gosselin teaches of the source receiving a specification to send a message to a group of nodes including a given node, where this specification designates the particular group (Col 7, lines 24-29. Sends message identifying the desired multicast group address. Col 6, lines 48-50, "multicast group address is not a physical address that identifies a particular base station."); then the source transmits a packet with an address corresponding to the given node, but not the other nodes, of the particular group (Col 9, lines 46-50. MSC sends command to the host address associated with the base station.).

The given node in the group of nodes is inherent because in the plurality of nodes, any node may be considered as the given node since the given node is not defined, as the claim 1 merely states, "if each node of the particular group has a return path to the source, then, for each given node of the particular group:" Furthermore, Gosselin teaches of sending a message with the address associated with the base station, and not the group address. Therefore, the message is send only to the node and not the other nodes.

Applicants discusses the current application and the Gosselin reference in stating that "Applicants hope that the above discussion of the present independent claims 1 and 16 contasted with Gosselin make clear the distinctions of the claims from Gosselin's disclosure." However, the cited limitations of claims 1 and 16 are taught by Gosselin.

As to points (3) and (4), the Examiner does not have to consider Gosselin without routers or the Applicants' argued problems regarding different structures because the claims do not include the argued limitation of the Applicants. Gosselin addresses and teaches the limitations that are only cited in the claims.

As to point (5), Gosselin teaches of communicating a message to a group of nodes by a manager node receiving of a group and transmitting one unique copy of the message in unicast to each member of the group (Col 7, lines 24-29). Gosselin teaches of addressing a group of nodes by a single address, the multicast group address. This address does not identify a particular base station, but only the group of nodes. The MSC transmits a message to the multicast group address, and the group of nodes receives the message. Since only a single message was send via the multicast group address, the message was therefore copied and distributed to the members of the group for the nodes in the group to receive the message. Furthermore, there is no explicit limitation of "transmitting one unique copy of the messages". The claim only states, "receiving a specification at a source to send a set of one or more messages from the source to the particular group of nodes, the specification designating the particular group and not specifying any particular node of the particular group;" and "transmitting from the source a packet containing... corresponding to the given node, but not the other nodes.. one or more messages of the set".